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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mihal Lazaridis

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EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2448

NOTIFICATION DATE

DELIVERY MODE

11/09/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/783,726	<b>Applicant(s)</b> LAZARIDIS ET AL.	
	<b>Examiner</b> AARON STRANGE	<b>Art Unit</b> 2448	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 102-109, 111, 112 and 122-129 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 102-109, 111, 112 and 122-129 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20110816</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/2011 has been entered.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 9/27/2011 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7,386,588 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Arguments***

3. Applicant's arguments filed 9/27/2011 have been fully considered but they are not persuasive.

4. With regard to claim 102, and Applicant's assertion that Eggleston's system would be inoperable for the purpose of delivering messages to the client device if it

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attempted to forward messages to an unavailable client, since an unavailable client cannot receive a message, the Examiner respectfully disagrees.

As an initial matter, it is noted that the claim limitation at issue requires the system to "continuously redirect" the data items, which is different from "continuously delivering" the messages. A system that continuously attempts to deliver messages, even when a client remains unavailable, does "continuously redirect" the messages. This will continue until the client becomes available and the messages are successfully delivered. While Eggleston describes such a method as "inefficient" (col. 7, ll. 33-37), even specifically identifying the act of "continu[ously] ... attempting to deliver data when the client is not longer receiving", Eggleston's characterization of this method as "inefficient" and providing a "preferably included" mechanism to improve efficiency clearly recognizes that such a method could be employed without rendering the system "inoperable".

5. Regarding Applicant's assertion that "such a process cannot continuously take place" because of the acknowledgement process shown in Eggleston, the Examiner respectfully disagrees. The acknowledgment process for updating virtual session timers described in steps 323-334 is part of Eggleston's mechanism for halting the redirection process to improve efficiency. This is the very feature identified by Eggleston as being "*preferably* included". Therefore, it is an optional feature and it is clear the system will function properly without including it.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 102-104, 106-109, 111, 122 and 124-129 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AirMobile (Software for Lotus cc:Mail Wireless, Communication Client Guide, Motorola, 1995) in view of Eggleston et al. (U.S. Patent No. 5,764,899, hereinafter "Eggleston").

8. With regard to claim 102, AirMobile discloses a method of pushing user data items from a messaging host system ("communication server") to a wireless mobile data communications device that is associated with a user having a mailbox at the messaging host system (p. 9, "Communication Server," p. 10, "User Profile Database," pp. 15-16, wherein mail is received and stored at the communication server, and the mail account is associated with a mobile device according the device ID), the method comprising:

receiving notifications at a redirector component indicating receipt of user data items by the messaging host system, where the notifications are received in response to receipt of the user data items at the messaging host system (newly received messages are immediately downloaded when the arrive)(p. 30-31);

processing the user data items by the redirector component to add address information associated with the wireless mobile data communication device (required for delivery to the mobile client)(g. 31, ¶1-3);

causing to redirect the user data items to the wireless mobile data communication device over a wireless network (messages are pushed to the portable PC)(p. 31).

While AirMobile discloses the invention substantially as claimed, it fails to specifically disclose that the user data items are “continuously redirected”, regardless of the availability of the wireless device.

Eggleston discloses a similar system for redirecting messages to a wireless device. Eggleston teaches continuously redirecting data items via a virtual session and identifies the procedure for removing a client from active status and stop attempting to deliver data as a process that is "*preferably* included in the VSM" (col. 7, ll. 37-40). A preferable feature is not required, and one of ordinary skill in the art would have understood Eggleston's disclosure to mean that the system properly operate, albeit less efficiently, with this feature removed. Therefore, Eggleston at least suggests a system where messages are continuously forwarded, regardless of the availability of the client device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to continuously forward the data items to the mobile device, regardless of the device's availability, to ensure the client will be immediately

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notified of outbound data upon its return to availability, without requiring the device to login again (Eggleston; col. 7, ll. 37-58).

9. With regard to claim 103, AirMobile disclosed the redirector component is operating on the messaging host system (pg 9 "communication server" and pg 31 ¶s 1-3).

10. With regard to claim 104, AirMobile disclosed the' redirector component is operating on a host system that is couple to the message host system via the network (e.g. the Network file server cc:Mail Postoffice works in tandem with the Windows AirMobile server pg 9).

11. With regard to claim 106, Eggleston disclosed that messages sent between the wired and wireless systems can be compressed (col. 11, lines 63-67). Given this knowledge, it would have been obvious to a person having ordinary skill in the art to compress the messages, prior to transmission to the gateway, and to decompress the messages at the mobile device, as suggested by Eggleston, in order to increase available bandwidth and to provide faster and less expensive communications (see Eggleston, col. 12, lines 7-9).

12. With regard to claim 107, AirMobile disclosed the processing step further comprises encoding the copy of the user data item (e.g. transforming a message into

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the required transmission protocol for the wireless network being utilizing prior to pushing a message to the user) (additionally compressing as set forth with regard to claim 106 is a form of encoding).

13. With regard to claim 108, Examiner takes official notice that the Multipurpose Internet Mail Extensions protocol was widely known and used to communicate email messages between devices at the time of Applicant's invention. Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to encode messages using the MIME protocol within AirMobile' s system in order to communicate messages between devices using a known reliable protocol.

14. With regard to claim 109, AirMobile disclosed the user data items comprise email mesasges ( pg. 38, "Sending/Transmitting e-mail messages").

15. With regard to claim 111, AirMobile disclosed that the user data items are continuously redirected to the wireless mobile data communication device over the wireless network via a wireless gateway disposed between a wide area network and the wireless network (see pg 9, Figure 1-1, a gateway is required to interface between the networks).

16. With regard to claim 112, AirMobile disclosed the step of storing the user data item at the data store associated with the messaging host system (p. 9,



"Communication Server," p. 10, "User Profile Database," pp. 15-16, wherein mail is received and stored at the communication server, and the mail account is associated with a mobile device according the device ID).

17. Claims 122 and 124-129 are rejected using a similar rationale as applied to claims 102-104, 106-109, 111 and 112.

18. Claims 105 and 123 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile Server (AirMobile Wireless Software for Lotus cc:Mail, Communication Server Guide, Motorola, 1995), in view of AirMobile Client (AirMobile Wireless Software for Lotus cc:Mail, Communication Client Guide, Motorola, 1995) further in view of Eggleston et al. (U.S. Patent No. 5,764,899, hereinafter "Eggleston") further in view of Murota (U.S. Patent No. 6,289,105).

Note, the AirMobile Server and AirMobile Client guide present different aspects of the same system, and are therefore are treated as a single system for the purposes of this rejection. They are hereinafter referred to together as "AirMobile" with specific citations to the Server • guide as "AirMobileS" and the Client guide as "AirMobileC."

19. With regard to claim 105 and 123, AirMobileS disclosed sending messages from the cc:Mail server to the mobile device in a secure fashion (AirMobileS, p. 25, bullet 1 "secure and authenticated virtual wireless communication channel between your laptop and your LAN-based cc:Mail server") however, AirMobile does not disclose using

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encryption for sending messages in a secure fashion. Nonetheless the use of encryption to send messages securely was widely known in the art at the time of Applicant's invention, as evidenced by at least Murota.

In a similar email system, Murota disclosed encrypting e-mail messages between a sender and a receiver, wherein a message is encrypted at the sending end, is then transmitted over the network to the receiving end, and is finally decrypted at the receiving computer (col. 1, lines 23-48). Murota further disclosed that such an encryption scheme is advantageous because it prevents leaks of secret information to outside, non-intended parties (Murota, col. 1, lines 49-53).

Thus, given the teaching of Murota, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention include an encryption function, as taught by Murota, in conjunction with the redirector component of AirMobile such that messages sent between the AirMobile server and mobile devices are encrypted, in order to prevent outside parties from having access to secret or classified messages.

### ***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448